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C O N F I D E N T I A L SECTION 01 OF 04 ANKARA 000477

SIPDIS

DEPT. FOR EUR/SE

E.O. 12958: DECL: 03/27/2029

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SUBJECT: TURKEY: DECONSTRUCTING PKK AMNESTY

Classified By: Ambassador James Jeffrey for reasons 1.4(b,d)

This is a joint Embassy Ankara/Consulate Adana Cable.

¶1. (C) SUMMARY: Recent statements by Iraqi President Jalal Talabani and KRG PM Nechirvan Barzani about amnesty for PKK militants are significant, particularly since their comments were not roundly denounced by Turkish officials. While suggesting leniency for PKKers poses political risks for any Turkish leader, if the GOT wants to resolve this decades-old insurgency, it needs to facilitate the demobilization of some 3,500 PKK fighters and permit at least some of them to reintegrate into society. For Kurds in southeastern Turkey, "Amnesty" (a term that may have outlived its usefulness in Turkey's political discourse) is considered a sine quo non for ending the conflict and many in the Turkish establishment also see it as a necessary evil. There is no shortage of international experience in addressing demobilization; ideas discussed previously in Turkey include a phased approach stretched out over several years; establishment of a streamlined legal process to judge fighters who turn themselves in; and plans to offer PKKers permanent sanctuary in Iraq and/or Europe. END SUMMARY

TALABANI SAYS "AMNESTY," NO ONE REACTS BADLY

¶2. (C) During a recent visit to Istanbul by Iraq President Talabani and then during President Gul's historic visit to Baghdad March 24-25, Talabani and KRG PM Barzani reintroduced the issue of an amnesty for PKK fighters as part of a deal in which the PKK would declare an end to its armed struggle. Unlike previous similar statements by Iraqi Kurds, Talabani's comments did not elicit strong knee-jerk negative reactions from Turkish authorities. Gul merely noted that discussions on the amnesty issue had not been "on the agenda" during meetings between GOT and Iraqi officials and that it is "Turkey's domestic problem to deal with."

¶3. (C) Amnesty proposals are almost as old as the PKK conflict itself and numerous "repentance" schemes have been

introduced, but none has brought closure to the conflict because they were not accompanied by other measures addressing Kurds' desire for legal recognition of their identity, cultural/linguistic rights and economic development. By the same token, a political initiative on the Kurdish issue that did not include provisions for reintegrating militants would fail to win significant support in the Southeast and would likely be sabotaged by the PKK.

¶4. (C) Kurdish leaders in Turkey's Southeast believe that finding a means to demobilize the PKK's estimated 3,500 fighters, most of whom are in the mountains of southeastern Turkey and northern Iraq, is the key to restoring peace in the region. In western Turkey, however, the issue of amnesty has largely been taboo as politicians are wary of appearing soft on the PKK. The current lull in fighting) no Turkish soldier has been killed by the PKK this year) could present an opportunity for bold moves, including an amnesty, once Turkey emerges from election campaigning for March 29 local elections. Many PKK sympathizers now tell us openly that amnesty, i.e. an honorable defeat, is now their top priority.

¶5. (C) Those favoring some form of amnesty/reintegration can be divided into at least three categories:

--PKK Fighters and Sympathizers. In addition to insurgents' obvious interest in protecting their own equities, an amnesty would (in their minds) bestow legitimacy on their "struggle" and the status of the PKK as an "army." Perhaps equally important for the hard-core militants is their (vain) hope that imprisoned PKK leader Ocalan would also benefit from the

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amnesty, either immediately or in the future.

--Pragmatic Kurds. The majority of Kurds in the Southeast, including those who oppose the use of violence, recognize that a means of allowing PKK fighters to return to their families is necessary. GUNSIAD (an influential regional business association) captured this mainstream sentiment in a 2006 statement calling for both a PKK cease-fire and an amnesty. GUNSIAD President Sahismail Bedirhanoglu told us that an amnesty need not be universal, but it is essential because thousands of families have relatives in the hills. Pragmatic Kurds recognize that the PKK is a liability to their aspirations, but understand that an agreed-upon demobilization is needed to marginalize the PKK and ultimately make it disappear. Some AKP politicians from the region share this view.

--Pragmatic Turks. Many in the Turkish establishment understand that a successful counter-insurgency campaign against the PKK requires offering an exit strategy for the militants. The prospect of demobilization would also strengthen those in the Kurdish political movement who favor pursuing their goals peacefully. One Turkish nationalist politician, Mehmet Agar, articulated this view during the 2007 election campaign, saying that the PKK "should be involved in politics instead of holding weapons in the mountains."

TREACHEROUS POLITICAL WATERS

¶6. (C) The amnesty issue is the Bermuda Triangle of Turkish politics -- it's a dangerous issue bounded by three mutually suspicious institutions: a powerful, yet insecure AKP that wants to resolve the Kurdish issue, but also fears taking actions that expose it to attacks from Turkish nationalists, particularly before local elections that will take place March 29; the military, which harbors existential fears about giving too much grounds to Kurds') let alone the PKK's) political aspirations, but also has no credible "military" solution to this seemingly endless and costly conflict; and the Kurds' own dysfunctional politics, in which the PKK, still clinging to Abdullah Ocalan and his outdated ideology

of a violent liberation struggle, remains the most powerful force) and the biggest obstacle to improving the lives of ordinary Kurds. Nonetheless, a majority of Turks probably would support a solution that ended the violence, preserved Turkey's territorial integrity and avoided the perception that the state had caved in to terrorism. A number of constituencies understand that demobilization must be part of such a package, even if they are reluctant to say so publicly.

17. (C) In 2007, the GOT floated some trial balloons suggesting a new amnesty law was under consideration, but nothing was ever formally proposed. Meanwhile, according to press reports, the rate of PKK fighters turning themselves in seems to be increasing and the judiciary is showing leniency to most who surrender. In 2008, the Turkish military distributed leaflets urging PKK fighters to "Make your decision and leave the organization. Go to the nearest military unit or police station. You will be welcomed with love." Prior to his promotion as CHOD, Ilker Basbug was quoted as saying young PKKers who have not been involved in violence should be "pardoned," though he opposes a general amnesty. As CHOD, Basbug has avoided public comments about the campaign against the PKK, but he is widely believed to be more pragmatic than his predecessors. This is borne out by comments made during a March 19 briefing to resident defense attaches by a senior TGS J2 official, who responded to a question about amnesty by stating that all options are on the table. Such sentiment represents a marked change in TGS

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policy from that of recent years, when the military did not look favorably upon amnesty, nor consider it a viable option.

Despite this more pragmatic approach, TGS acceptance of a possible amnesty will likely depend upon how it is calibrated for ordinary PKK rank-and-file, those who have been involved in causing the deaths of Turkish soldiers and/or civilians, and senior PKK leadership.

FIND THE RIGHT WORDS

18. (C) When Turkish policymakers take up this issue again, they should avoid using the terms "amnesty" or "repentance." Because the term amnesty implies a government pardon for crimes (and in Turkey's legal tradition is used regularly to commute the sentences of "ordinary" criminals) a different term should be used to address PKK terrorists to make the initiative more politically acceptable. The term "repentance," meanwhile, raises hackles on the other side. Turkey's repentance laws, which were introduced for defined periods between 1985 and 2003, resulted in the surrender of 1,900 fighters. These laws, however, required those turning themselves in to provide intelligence to the authorities; not surprisingly, this approach never won the approval of the PKK leadership and it exposed the beneficiaries to reprisals from their former comrades.

OPTIONS

19. (C) Several ideas on demobilization have been floated during the conflict with the PKK and are likely to be considered again:

--A phased approach. According to author Jonathan Randal, in 1993 President Turgut Ozal was considering a three-tiered amnesty proposal under which rank-and-file volunteers who had not committed acts of violence would be allowed to rejoin society immediately; middle-ranking fighters would be given amnesty after two years and senior leaders (including Ocalan, who was at large at the time) would need to wait five years. Ozal died before acting on the proposal. Such an approach) which could not include Ocalan) would have the advantage of maintaining leverage over time on the PKK and guarantee that it adheres to promises to disband. An additional

"preliminary phase" could be introduced into this scenario: the granting of an amnesty or promise of non-prosecution for the 10,000 plus residents of Makhmour refugee camp in northern Iraq; mostly women, children, and senior citizens who are not seen as a direct security threat to Turkey but do serve as a source of support, and perhaps as a recruiting pool, for the PKK. Discussions on the closure of the camp took place 2004-2007, but ended in spring 2007, just prior to national parliamentary elections, when the GOT decided it politically unsustainable to accept for resettlement such a large number of PKK sympathizers/supporters. Successful reintegration of a large non-combatant population such as that located at Makhmour could help to convince fighters at Kandil and elsewhere that the GOT truly has turned the page on the past.

--Judicial Scrutiny/Probation. A variation on the "Ozal Plan" would expand the role of the courts in the process, requiring those wishing to benefit to undergo a streamlined judicial proceeding. Depending on circumstances, such as the individual's rank in the PKK and responsibility for violence, the person could be put on probation for a period of years and/or barred from participation in politics or access to certain public services.

--Go West/East. According to some media reports, another option under consideration is for PKK members to go into

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permanent exile in Iraq or (unnamed) Scandinavian countries. The GOT would then drop demands that these individuals return to Turkey to face justice. To keep the number of exiles manageable, low ranking fighters would still likely need to have the option of returning to Turkey. This plan is also attractive because it would keep many PKK ring-leaders abroad, thereby reducing the influence of terrorist and criminal elements on Kurdish politics within Turkey. (The receiving countries may be less enthusiastic about this idea.) This has been a de facto demobilization method for many years as hundreds of PKK members have escaped the organization and now live in Iraq or Europe.

--Ocalan's Detention. For PKK representatives and for many in the DTP, Ocalan's imprisonment will be at or near the top of the amnesty agenda. Proposals include ending Ocalan's solitary confinement by allowing him to do time with other PKK prisoners or placing him under "house arrest." While the government could probably alter Ocalan's detention regime, even considering early release would be politically impossible. For any negotiation to succeed, the PKK will be forced to accept that their leader will not benefit from any program for the foreseeable future.

¶10. (C) COMMENT: The recent military successes against the PKK and the diplomatic success of building bridges with the KRG puts the GOT in a strong position to attempt to achieve a lasting settlement to the Kurdish issue. Demobilization will be key to any settlement. Without it, a majority of Kurds will doubt the GOT's sincerity in solving the process. And successful demobilization will require a settlement that wins the PKK's explicit or implicit endorsement. Otherwise, the PKK can be expected to perpetuate the conflict as there will always be hundreds of youths willing to go the mountains to join the struggle) however hopeless it has become.

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